

1 Andrew S. Austin, V-94573
2 Mule Creek State Prison
3 P.O. Box 409060, C-13-237
4 Ione, CA 95640

5 In Pre Se

FILED
08 JUN 25 PM 1:54
RICHARD W. WIERING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

7 **IN THE UNITED STATES DISTRICT COURT**
8 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

10 **ANDREW S. AUSTIN,**
11 **Petitioner,**

C 07-5620 MHP (PR)

DECLARATION OF ANDREW S. AUSTIN

12 v.

13 **RICHARD SUBIA, Warden,**
14 **Respondent.**

15 I, Andrew S. Austin, declare as follows:

16 1.) I am the named petitioner in the above entitled case.

17 2.) I am a state prisoner presently incarcerated at Mule
18 Creek State Prison located in Ione, California.

19 3.) I am unskilled in matters of law and have limited formal
20 education. I am indigent and can not afford the cost of hiring
21 the services of an attorney to represent me in this matter.

22 For these reasons I was unable to prepare the Petition For Writ
23 of Habeas Corpus which I have Filed in this Court so I sought
24 and obtained the assistance of an inmate legal assistant by
25 the name of Gaylin Burleson (P-78950) to assist me in this
26 matter. It is Mr. Burleson who prepared the writ petition curren-
27 tly pending before this court and whom is in the process of

1 preparing my Response to Respondent's Answer To Order To Show
2 Cause.

3 4.) Resently the Law Librarian at the facility where I
4 am housed was transferred to a different position leaving this
5 facility without a full time librarian. I am informed and believe
6 there are now only two Librarians to operate 5 satellite law
7 libraries at Mule Creek State Prison. This greatly decreases
8 the operating hours of the law library. Further, Mr. Burleson
9 works a full time job as a Teacher's Assistant in Vocational
10 Office Services at this facility. His days off are Saturdays
11 and Sundays. The Library is closed on Sundays and only open
12 half of the day on Saturdays. This library serves 1300 inmates,
13 half of whom work and can only have access to the library on
14 Saturdays. Inmates with less than 30 day court deadlines do
15 have priority however this does not encompass inmate legal
16 assistants because the active case is not filed in their name.
17 For these reasons Mr. Burleson's access to the law library has
18 been greatly reduced which in turn impairs his ability to
19 perform the legal research necessary to prepare a Response to
20 Respondent's Answer. A 30 day enlargement of time is necessary
21 in order that I might effectively represent myself with Mr.
22 Burleson's assistance.

23 I declare under penalty of perjury the foregoing is true
24 and correct. Executed at Mule Creek State Prison by:

25 Dated: JUNE 24, 2008

26 
27 Andrew S. Austin

DECLARATION OF SERVICE BY MAIL

Case Name: AUSTIN V. SUBIA Case Number: C 07-5620 MHP (PR)

I, ANDREW AUSTIN, hereby certify that I am a citizen of the United States, over the age of 18 years, and am (not) a party to the within action. I am currently incarcerated at Mule Creek State Prison. My mailing address is P.O. Box 409060, Lone California, 95640-9060.

On JUNE 24, 2008 served the following documents:

DOCUMENTS SERVED:

EX PARTE APPLICATION FOR ENLARGEMENT OF TIME

To the following parties:

PARTIES SERVED:

CALIFORNIA ATTORNEY GENERAL
455 GOLDEN GATE AVE. #11000
SAN FRANCISCO, CA. 94102

I enclosed a true copy of said document(s) in a sealed envelope addressed to each of the above persons or parties, and personally handed the envelope into the custody of the Correctional Officer in charge of outgoing legal mail, for delivery to the United States Postal Service, in accordance with established institutional mailing procedures.

I, ANDREW AUSTIN, hereby certify and declare under penalty of perjury the foregoing is true and correct. Executed on JUNE 24, 2008, at Lone CA, by:

Andrew Austin
, Declarant

ZONE, CA 95640

LEGAL
MAIL

SACRAMENTO CA 953

24 JUL 2008



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MAILED FROM ZIP CODE 95640

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
4450 GOLDEN GATE AVE.
SAN FRANCISCO, CA. 94102

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